

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

VERACITY GROUP, INC., et al.,

Plaintiffs,

v.

COOPER ATKINS CORP., INC.,

Defendant.

Case No. 1:11-cv-526

Black, J.
Bowman, M.J.

ORDER

At the request of the Plaintiffs' counsel, a telephonic hearing concerning an ongoing discovery dispute was held on December 10, 2012. Prior to the conference, the parties were invited to transmit by email informal memoranda for the benefit of the Court, not to be filed of record. The Court having reviewed the parties' written submissions, and having heard oral argument, **IT IS ORDERED:**

1. Defendant Cooper Atkins shall conduct a second review of its prior production of approximately 400,000 pages of documents, the vast majority of which have been designated as Attorney's Eyes Only ("AEO") under an existing protective order, in order to determine whether those documents were properly designated, as further described herein:

a. Excel spreadsheets that are limited to financial data need not be additionally reviewed;

b. Cooper Atkins may continue to designate, as AEO, documents that identify Defendant's customers to Plaintiffs, to the extent that those identities have not previously been disclosed in any publicly available format;

c. Cooper Atkins need not conduct a second review of any documents that, in good faith, it deems to be irrelevant, but must produce a log of such documents. Should

Plaintiffs take further issue with documents identified in the log, Plaintiffs may seek additional Court assistance;

d. Defendant shall employ its best efforts to complete the additional designation review within sixty (60) days, but may seek extension of that deadline for good cause shown;

2. Plaintiffs having been granted leave to exceed the number of Interrogatories ordinarily permitted by Rule 33, Defendant shall promptly respond, on or before **January 8, 2012**, to the previously propounded interrogatories;

3. Counsel having represented to this Court that the Defendant cannot produce the vantage financial report in the manner requested, Plaintiffs' request for additional verification is denied;

4. Plaintiffs' request for additional email information from Carol Wallace and Michael Carpenter is also denied at this time, but without prejudice to renew the request should Plaintiffs be able to make a showing at a later date that relevant emails were deleted during the transition to the new email vendor Recol, and not previously produced.

s/ Stephanie K. Bowman
Stephanie K. Bowman
United States Magistrate Judge